

IN THE UNITED STATES DISTRICT COURT FOR  
THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:11 CV 113

HEATHER GOLDING HILL, )  
 )  
 Plaintiff )  
 )  
 v )  
 )  
 WELLS FARGO AND COMPANY, as )  
 successor to WACHOVIA CORPORATION )  
 and WACHOVIA MORTGAGE )  
 COMPANY, and LIBERTY LIFE )  
 ASSURANCE COMPANY OF BOSTON, )  
 as administrator of the Wachovia )  
 Corporation Long Term Disability Plan, and )  
 THE WACHOVIA CORPORATION LONG )  
 TERM DISABILITY PLAN, )  
 )  
 Defendants )

ORDER

**THIS MATTER** is before the court upon a review of the file in this matter. In the scheduling order (#7) that was filed in this matter on July 15, 2011, the court ordered that plaintiff brief the issue of why plaintiff is of the opinion that she is entitled to a jury trial in this matter and such brief was to be filed by August 1, 2011. Plaintiff did not file a brief as directed by the court which indicates to the court that plaintiff and her counsel are no longer contending that plaintiff is entitled to a jury trial.

**ORDER**

**IT IS, THEREFORE, ORDERED** that the trial in this matter shall be before the court and without a jury.

Signed: December 6, 2011

Dennis L. Howell

Dennis L. Howell  
United States Magistrate Judge

